

ESTTA Tracking number: **ESTTA446517**

Filing date: **12/15/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91200225
Party	Plaintiff World Gym International IP, LLC
Correspondence Address	ELLIOT B GIPSON FAYER GIPSON LLP 2029 CENTURY PARK EAST STE 3535 LOS ANGELES, CA 90067 UNITED STATES egipson@fayergipson.com, rsilverman@ghplaw.com, mtylke@ghplaw.com, kside@ghplaw.com
Submission	Reply in Support of Motion
Filer's Name	Elliot B. Gipson
Filer's e-mail	egipson@fayergipson.com
Signature	/Elliot B. Gipson/
Date	12/15/2011
Attachments	Opposer's Reply Papers (12.15.2011).pdf ( 6 pages )(655029 bytes )

WORLD GYM INTERNATIONAL IP, LLC:	:	Mark: WORLD [X] [X]
Opposer,	:	
	:	Application No. 790711980
v.	:	
	:	Opposition No. 91200225
JACEK WAKSMUNDZKI	:	
	:	
Applicant.	:	
	:	

Opposer World Gym International IP, LLC (“Opposer”) electronically filed its Motion for Terminating Sanctions on November 20, 2011 (the “Motion”). Docket No. 8. Opposer served the Motion via first class U.S. mail. *Id.* at p. 13. Applicant Jacek Waksmunzki’s (“Applicant”) opposition was therefore due on December 10, 2011 - twenty (20) days after filing (fifteen (15) days after filing plus five (5) days extra days for service by U.S. mail). 37 CFR § 2.119(c). Applicant has failed to file or serve an opposition. Gipson Decl. at ¶ 1. Applicant has also failed to respond to any of the outstanding discovery or to contact Opposer’s counsel since the filing of the Motion for Terminating Sanctions. Gipson Decl. at ¶ 2. Given Applicant’s disappearance from this case and given that Applicant has failed to oppose Opposer’s Motion, Opposer’s Motion should be granted as conceded. *See* Trademark Rule 2.127(a); *CentralMfg., Inc. v. Third Millenium Technology, Inc.*, 61 USPQ2d 1210 (TTAB 2001); *Boston Chicken, Inc. v. Boston Pizza Int’l, Inc.*, 53 USPQ2d 1053 (TTAB 1999). Accordingly, Opposer respectfully

requests that the Board enter a final judgment in favor of Opposer, thus terminating these proceedings in their entirety.

DATED: December 15, 2011

Respectfully submitted,

FAYER GIPSON LLP  
A Limited Liability Partnership  
ELLIOT B. GIPSON


By:

  
ELLIOT B. GIPSON  
Attorneys for Opposer  
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing OPPOSER'S REPLY IN SUPPORT OF ITS MOTION FOR TERMINATING SANCTIONS was served on Applicant, this December 15, 2011 via first class mail to:

Horst M. Kasper, Esq.  
Attorney for Applicant  
13 Forest Drive  
Warren, NJ 07059

By:   
Elliot B. Gipson

**CERTIFICATE OF ELECTRONIC FILING**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being filed with the United States Patent and Trademark Office via the Electronic System for Trademark Trials and Appeals (ESTTA) on the date shown below.

Dated: December 15, 2011

By:   
Elliot B. Gipson

FAYER GIPSON LLP  
2029 Century Park East, Suite 3535  
Los Angeles, CA 90067  
Telephone: 310-557-3558  
Facsimile: 310-557-3589

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD**

WORLD GYM INTERNATIONAL IP, LLC:

Opposer,

v.

JACEK WAKSMUNDZKI

Applicant.

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Mark: WORLD [X] [X]

Application No. 790711980

Opposition No. 91200225

**SECOND DECLARATION OF ELLIOT B. GIPSON IN SUPPORT OF  
OPPOSER'S MOTION FOR TERMINATING SANCTIONS**

I, ELLIOT B. GIPSON, declare and say as follows:

1. I am an attorney licensed to practice before the bar of the District of Columbia and a partner of the law firm of Fayer Gipson LLP, counsel for Opposer World Gym International IP, LLC. I am over 18 years of age, and have personal knowledge of each and every fact stated in this declaration. If called as a witness, I could and would competently testify hereto. This declaration is submitted in support of Opposer's Motion for Terminating Sanctions (the "Motion").

1. I have not received a opposition to the Motion from Applicant Jacek Waksmundzki ("Applicant") or Applicant's counsel. On information and belief, Applicant has failed to file and/or serve an opposition to such Motion.

2. I have not received any further correspondence or communication from Applicant, including his initial disclosures, since the filing of the Motion for Terminating Sanctions. Petitioner's initial disclosures were due on November 21, 2011. On information and belief, Petitioner has failed to provide its initial disclosures. I have not heard anything whatsoever or had any communications from Applicant's counsel on this case since on or about October 28, 2011, when Applicant's counsel indicated it would not participate in a discovery conference due

to its inability to contact his client.

I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct.

Executed on December 15, 2011, at Los Angeles, California.



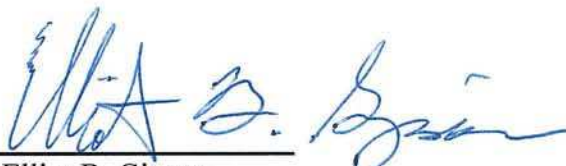
ELLIOT B. GIPSON



**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing SECOND DECLARATION OF ELLIOT B. GIPSON IN SUPPORT OF OPPOSER'S MOTION FOR TERMINATING SANCTIONS was served on Applicant, this December 15, 2011 via first class mail to:


Horst M. Kasper, Esq.  
Attorney for Applicant  
13 Forest Drive  
Warren, NJ 07059

By:   
Elliot B. Gipson

**CERTIFICATE OF ELECTRONIC FILING**

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Dated: December 15, 2011

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Elliot B. Gipson

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